

**FIRST AMENDMENT TO AMENDMENT TO NATURE AND CULTURAL DESTINATION
ENHANCEMENT GRANT PROGRAM AGREEMENT BETWEEN ALACHUA COUNTY AND
NORTH FLORIDA BOTANICAL SOCIETY**

THIS FIRST AMENDMENT TO AGREEMENT NO. 11530, made and entered into this _____ day of _____ A.D. 20____, by and between Alachua County, a charter county and political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County", and North Florida Botanical Society Inc., with a principal business address of 4700 SW 58th Drive, Gainesville, FL 32608 hereinafter referred to as "Applicant". Collectively the County and the Applicant are hereinafter referred to as the "Parties".

WITNESSETH:

WHEREAS, §125.0104, Florida Statutes, provides the County the authority to levy, in addition to other taxes allowed by law, a Local Option Tourist Development Tax (hereinafter referred to as "Tax"); and

WHEREAS, the County has enacted the Tax; and

WHEREAS, in accordance with §125.0104, Florida Statutes, the County has allocated a portion of the Tax to create and fund the Nature and Culture Destination Enhancement Grant Program ("Program"), the purpose of which is to promote and advertise activities, services, venues, and events that will attract tourists to Alachua County; and

WHEREAS, the County published a Request for Application (RFA) seeking applications for the FY 2020 grant cycle of its Nature and Culture Destination Enhancement Grant Program from qualified governmental and not-for-profit entities that desire grant funding for qualified activities, services, venues and events that have as one of their main purpose the attraction of tourists to Alachua County, as evidenced by the promotion of the activity, service, venue or event to tourists; and

WHEREAS, the Parties hereto previously entered into the *Nature and Cultural Destination Enhancement Grant Program Agreement Between Alachua County and North Florida Botanical Society* dated February 6, 2020 for the provision of the Applicant receiving grant funding for its Tourism Outreach Promotion for the Kanapaha Botanical Garden ; and,

WHEREAS, as of March 27, 2020, Alachua County is in a declared local state of emergency due to the ongoing COVID-19 pandemic; and

WHEREAS, the Applicant has informed the County that due to the restrictions, and uncertainty caused by the COVID-19 pandemic they will be unable to hold their events and expend their grant funds by the end of the Agreement, September 30, 2020; and

WHEREAS, the Applicant has requested to extend the term of the Agreement one year, to September 30, 2021

WHEREAS, the County is in concurrence to extend the Agreement as set forth herein;

NOW, THEREFORE, the parties hereby agree to amend the Agreement dated as follows:

A. SECTION # 2 of the Agreement, **Term**, is amended in its entirety to read:

2.1 This Amendment extend the term of the Agreement through September 30, 2021, upon execution by both Parties.

2.2 The County's performance and obligation to pay under this Agreement is contingent upon a specific annual appropriation by the Alachua County Board of County Commissioners ("Board"). The Parties hereto understand that this Agreement is not a commitment of future appropriations. Therefore, the continuation of this Agreement beyond the end of any fiscal year shall be subject to both the appropriation and the availability of funds in accordance with Chapter 129, Florida Statutes, and that the failure of the Board to do so shall not constitute a breach or default of this Agreement.

This **FIRST** amendment shall take effect upon the date of execution by the parties.

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SAVE and EXCEPT as expressly amended herein, all other terms and provisions of the Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this FIRST Amendment to Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: _____

WITNESS

By: _____

Print: _____

Title: _____

APPLICANT

By: _____

Print: _____

Title: _____

Date: _____

IF THE APPLICANT IS NOT A NATURAL PERSON, PLEASE PROVIDE A CERTIFICATE OF INCUMBANCY AND AUTHORITY, OR A CORPORATE RESOLUTION, LISTING THOSE AUTHORIZED TO EXECUTE CONTRACTS ON BEHALF OF YOUR ORGANIZATION